

Message

From: 404Assumption-FL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=656C71BFF2BA49BA85816E0A2AEAEC0B-404ASSUMPTI]
Sent: 10/26/2020 3:15:39 PM
To: Young, Timothy [Young.Timothy@epa.gov]
Subject: FW: FEDP assumption of 404 jurisdiction

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
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From: [Ex. 6 Personal Privacy (PP)]
Sent: Wednesday, October 21, 2020 6:17 PM
To: [Ex. 6 Personal Privacy (PP)] 404Assumption-FL <404Assumption-FL@epa.gov>; [Ex. 6 Personal Privacy (PP)]
Subject: FEDP assumption of 404 jurisdiction

Mr. Kelly Laycock,

I am writing to express my objection to the Florida Department of Environmental Protection's proposal to assume jurisdiction under Section 404 of the Clean Water Act, for wetland permitting in waters of the United States.

The FDEP has failed to protect our Aquatic Preserves, our wetlands and coastal mangrove environments. Their main goal hasn't been environmental protection for decades - their main goal is facilitating permits for development and now they want to further streamline that process without inter-agency input in order to cater to developers.

The present poor state of our precious water tourism resources is clear evidence of the FDEP's failure to protect them and that's with Federal US Army Corps of Engineers oversight.

The current process requires the USACofE to provide written public notice to nearby property owners with an open comment period. This process ensures local knowledge is included in the environmental impact analysis for both our waterways and our endangered species

The FDEP process only requires developers to provide public notice in an obscure publication anywhere in the same county - the notice can be miles from the area that will be impacted. This robs nearby property owners of their voice in protecting their properties from outrageous development proposals.

Here is an example based on my personal experience with the FDEP permit review process: Several years ago I received a USACofE public notice for a proposed 71 boat marina expansion after the FDEP had ALREADY approved their permit application. Questions on the FDEP application were answered incorrectly, important questions were left unanswered and ALL the information was provided solely by the developer.

The Manatee Biologic Evaluation for this permit used outdated data, assumed incorrectly that the Slow Speed Manatee Zone was patrolled and enforced, failed to consider cumulative impacts to the Sea Grass Protection and Restoration Target Areas in the surrounding area and used incorrect water depths for the surrounding areas that were ASSUMED and not verified.

This permit was approved by the FDEP without proper consideration for navigation, proper water depths in all access areas or input from County and City Codes and regulations.

The FDEP's failure to include local agencies resulted in additional reviews for local codes and regulations and new drawings and meetings that wasted valuable resources and time because the FDEP had ALREADY approved the permit without PROPER vetting at the local level.

This permit was approved by the FDEP with access areas of less than 2-3ft mlw for boats up to 40ft with drafts up to 4 ft.

The FDEP regularly approves dredging for "shoaling" after approving permits with water depths too shallow for the size and drafts of boats permitted to use the marina facilities.

The FDEP also doesn't review applications with any consideration for impacts to the marina or nearby properties from hurricanes or tropical storms. This marina expansion was approved by the FDEP in an open unprotected area.

In contrast, the USACofE did take into consideration local codes and regulations and additional information supplied by the public and multiple agencies.

Thanks to inter-agency review, the Coast Guard noted that the marina expansion as drawn was a MAJOR hazard to navigation and that agency along with the USACofE required the proposal to be downsized and redrawn and they required an accurate Benthic Bottom/sea grass survey in the footprint of the marina.

This is just one permit...now imagine that multiplied thousands of times over across the state and it becomes clear why Florida's ecosystems are collapsing as has already happened in the Indian River Lagoon and in Biscayne Bay to name a few.

Florida's tourism economy can no longer afford to ignore the cumulative damage to our waterways caused by decades of inadequate permitting oversight. Reducing that oversight even more will add to the damage not reduce it.

Allowing the state to assume administration of the Clean Water Act Section 404 Program would add additional regulatory burden to FDEP, which is already under-resourced for its current responsibilities. Since the Environmental Protection Agency would not provide any federal funding to Florida for the administration of the Section 404 permitting program, these additional responsibilities will divert resources away from critical FDEP duties. In a state where environmental concerns take a backseat to powerful political and business interests, this is a recipe for economic disaster.

Please stop the FDEP from assuming jurisdiction.

Sincerely
Sandra Chiappetta